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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,300	01/27/2000	Toshitaka Agano	Q55891	9715

7590 11/29/2001
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2100 Pennsylvania Avenue N W
Washington, DC 20037

EXAMINER

NGUYEN, JENNIFER T

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 11/29/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/492,300

Applicant(s)

AGANO, TOSHITAKA

Examiner

Jennifer T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities:

In claim 1, line 3, the phrase “ at least two set of maximum luminances “ should be changed into -- at least two sets of maximum luminance --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 6 are rejected under 35U.S.C.102(b) as being anticipated by Whitehead (U.S. Patent number 4,733,229).
4. As to claim 1, Whitehead teaches a CRT display device (35)(Figure 1, col. 3, lines 24-32) which having two sets of highlight area 20 and background image 21(Fig. 1), the highlight area for displaying an image and the background image for displaying non image (col. 3, lines 57-64, col. 4, lines 52-57) corresponding to the claimed a display device having two sets of maximum luminance including an image maximum luminance for displaying an image and an ordinary maximum luminance for displaying non-image information. Whitehead teaches as any set of transfer curves which produces a higher contrast for smaller window of information levels in the highlight area as opposed to the background would carry out the primary object of the invention

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(col. 4, lines 54-57, col. 7, lines 1-4) corresponding to the claimed said ordinary maximum luminance being lower than said image maximum luminance.

5. As to claim 2, Whitehead teaches a display device further having a highlight operator controls 15 in figure 2, col. 4, lines 22-37, col. 6, lines 3-6, col. 7, lines 1-5, to correspond to the claimed luminance adjusting unit, when the non-image information is displayed in cases of display of only the image, or display of a mixture of the image and the non-image information, or display of only the non-image information, adjusts a brightness of the display in an area of the non-image information or in an entire display screen in accordance with said ordinary maximum luminance.

6. As to claims 3 and 4, Whitehead teaches a display device further having a transfer memory function 30 and a highlight selector 38 to switch the background image 21 to highlight area 20 in figure 4, col. 6, lines 37-41 and to select the look-up table 25 containing the highlight area transfer function to produce the highlighted portion of the image in figures 2 and 4, col. 4, lines 22-31, to correspond to the claimed luminance switching unit which switches a brightness of display in an entire display screen to either adjustment depending on said ordinary maximum luminance or adjustment depending on said image maximum luminance wherein said luminance switching unit has a selection unit which makes adjustment to the brightness of the display depending on said image maximum luminance in a case of display of only the image and makes adjustment to the brightness of display depending on said ordinary maximum luminance in a case of display of only the non-image information and which also selects the brightness of display depending on said ordinary maximum luminance and the brightness of display depending on said image maximum luminance.

7. As to claim 6, whitehead teaches a display device wherein adjustment of a brightness of display in relation to said ordinary maximum luminance and said image maximum luminance is performed by adjustment of image data (Figures 1, 2 and 4, col. 3, lines 61-64, col. 4, lines 54-57, col. 7, lines 1-4).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehead in view of McLaughlin et al. US Patent Number 5570108.

As to claim 5, Whitehead teaches all of the claimed limitations of claim 1, except for an entire display screen is adjusted to a brightness of display not higher than said ordinary maximum luminance in accordance with an operation using graphical user interface. However, as evidenced by McLaughlin et al, providing a related display device which includes the user

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displays the test image in a window on the display screen (e.g., window 300 shown in FIG. 11) while viewing the corresponding printed image 302. To lighten or darken the displayed test image (to match printed image 302), the user employs the inventive user interface software to display the brightness/contrast controls described with reference to FIG. 5. The user then adjusts these virtual controls until the brightness and contrast of the test image displayed in window 300 match those of printed image 302 (See col. 15, lines 12-21). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the using graphical user interface as taught by McLaughlin to Whitehead in order to adjust to a desired contrast level for controlling a display.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shiraishi et al (U.S. Patent number 5,144,292) teaching a related LCD device.

Ichise (U.S. Patent number 5,786,801) teaching back light control apparatus for display system.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is **703-305-3225**.

The examiner can normally be reached on Mon-Fri from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to: 703-872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

Jennifer T. Nguyen
Examiner
Art Unit 2674



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600